

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Civil Action No. 2:17-CR-14-8
(BAILEY)**

CARLA DENISE JONES,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Michael John Aloï. By Local Rule, this action was referred to Magistrate Judge Aloï for submission of a proposed report and recommendation ("R&R"). Magistrate Judge Aloï filed his R&R [Doc. 322] on February 12, 2018, wherein he recommends that this Court deny the Defendant's Combined Motion and Memorandum of Law to Dismiss Count Sixteen [Doc. 274].

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v.*

Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Aloï's R&R were due within fourteen (14) days of filing of the same, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). No objections were made, thus this Court will review the R&R for clear error.

After careful consideration of the record, the applicable law, and the R&R, it is the opinion of this Court that the Report and Recommendation [Doc. 322] should be, and is, hereby **ORDERED ADOPTED**. As such, the Combined Motion and Memorandum of Law to Dismiss Count Sixteen [Doc. 274] is **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: March 1, 2018.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE